

0209.1003

UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
CENTRAL FAX CENTER****APR 07 2006**

Examiner: RAMIREZ, Delia M. Art Unit: 1652
Re: Application of: KIM, Sung Soo, et al.
 Serial No.: 10/635,264
 Filed: August 6, 2003
 For: **USE OF CYCLOPHILIN AS ANTIOXIDANT
AND PREVENTION OF CYCLOSPORIN A-
INDUCED TOXICITY IN CELL
TRANSPLANTATION BY
OVEREXPRESSION OF CYCLOPHILIN**

Confirmation No.: 1387

RESPONSE**VIA FACSIMILE 571-273-8300**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

April 7, 2006

Sir:

Responsive to the Office Action dated March 8, 2006, the following remarks are provided.

A. RESTRICTION REQUIREMENT

The Examiner has required restriction of the claims pending in the present patent application into one of Groups I, II and III, as set forth in the Office Action dated March 8, 2006.

In response to this requirement, Applicants elect, with traverse, to prosecute Group II, claims 2-6 and 8, directed to a recombinant expression vector which can express cyclophilin, a pharmaceutical composition comprising the vector, a cell transformed with the vector, and a method of producing cells which can express cyclophilin, classifiable in class 435, subclass 320.1.

This response is made with traverse. It is respectfully urged that the claims of Groups I,

0209.1003

II and III be examiner together. Reconsideration of the Restriction Requirement is respectfully requested for the following reasons.

The Examiner has the discretion to prosecute all of the pending claims in a single patent application. In fact, "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (Emphasis added; Manual of Patent Examining Procedure, § 803, second paragraph).

The subject matter of Group I, cyclophilin with PPIase activity, is the product that results when the invention of Group II is carried out. Thus, Group II produces the subject matter of Group I. Accordingly, it is urged that, in the interest of efficiency in prosecution, Group I and II be examined together.

Group II is directed, in part, to a cell which overexpresses cyclophilin with PPIase activity. Group III is related to another use of a cell that can overexpress cyclophilin. Thus, a proper search for Group II will also, of necessity, include the art related to the subject matter of Group III.

Accordingly, Applicants urge that there would not be an undue burden upon the Examiner to search and consider Groups I, II and III at the same time, and the Examiner is respectfully requested to reconsider and withdraw the present Restriction Requirement.

B. REJOINDER

Applicants reserve the right to request rejoinder of all appropriate claims removed by the Examiner in the event that the traversal is not deemed persuasive.

C. FEES

This response is being filed within the shortened period for response. Thus, no further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as

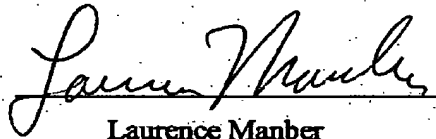
0209.1003

incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

LUCAS & MERCANTI, LLP



Laurence Manber

Registration No. 35,597

LUCAS & MERCANTI, LLP
475 Park Avenue South
New York, New York 10016
Phone: 212-661-8000
Fax: 212-661-8002

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response is
being facsimile transmitted to the
Commissioner for Patents on the
date shown below.

April 7, 2006

LUCAS & MERCANTI, LLP

BY:


Hyun Soon Cho